

III. REMARKS

In the Office Action, claims 1-3, and 7-22 were rejected under 35 U.S.C. 103 as being unpatentable over Tuomela (US 2001/0031633) in view of Karves (US 7085257), and claims 4-6 were rejected under 35 U.S.C. 103 as being unpatentable over Tuomela in view of Karves and Silverman (US 6,035,031), and claim 13 was rejected under 35 U.S.C. 103 as being unpatentable over Tuomela for reasons set forth in the Office Action.

With respect to the rejections under 35 U.S.C. 103, various ones of the claims are amended and the following argument is presented to distinguish the claimed subject matter from the teachings of the cited art, considered individually and in combination, thereby to overcome the rejections and to show the presence of allowable subject matter in the claims.

For purposes of presenting an argument to distinguish the present claims from the teachings of the cited art, claim 1 may be considered representative of other ones of the claims, and the following argument, which is directed to claim 1 applies also to the other claims.

With respect to present claim 1, the claimed invention (in redacted form) provides for establishment of an activity-status server with activity logs among a group of parties. Thereafter, one of the parties (the calling party) selects a second of the parties (the receiving party) for a communications connection. However, instead of establishing the communications connection with the receiving party, the invention first establishes a communications connection via a server with the activity log of the receiving party. Then, after the calling party receives information concerning the ability of the receiving party to receive a message sent by the calling party, does the calling party decide whether to put the call through to the receiving party.

Tuomela discloses use of apparatus at the receiving party to transmit a message to the calling party [0018] regarding the disposition of the receiving party. Alternatively, numerous parties [0019] may share a server to notify a calling party about the disposition of a receiving party. As noted in [0020] the context information is stored in the called party's telephone equipment (Fig. 1) or in the shared server (Fig. 2). An automatic answering function may be enabled so that, if the called party does not answer the telephone, a message is sent automatically to the calling party. The telephone equipment may be set [0023] so the telephone of the called party does not ring during the automatic handling of the context-information message for the calling party.

The operation of the Tuomela system differs from the operation of the subject matter of present claim 1 in that, in Tuomela, the automatic operation is accomplished at the location of the receiving party while, in claim 1, the automatic operation is accomplished at the location of the calling party. With the Tuomela system, there may be unpleasant results for the called party if he is on travel, and manages to find time for a nap in the middle of the afternoon. With the Tuomela system, a telephone call would go straight through and ring the phone, waking up the called party. With the presently claimed methodology (network, communication set-up), the telephone call would never have been made because the call is initially shunted to the server of the calling party.

The examiner (bottom of page 3 of the Action) notes that Tuomela does not teach all of the claimed subject matter, and relies on Karves to provide the missing subject matter. The examiner states that Tuomela does not specifically disclose a method wherein a calling party of a group of parties selects a receiving party of said group of parties for establishment of a communication connection between the calling party and the receiving party by communication with the activity server and the activity logs.

Karves (top of column 4) teaches, for outgoing calls from the user terminal, that the system searches the appropriate network database to locate a phone number and/or

person or party to be called, and to send results of the at search to the wireless terminal. The examiner observes (page 4 of the Action) from the teachings of Karves that before making a phone call, the Karves wireless terminal selects a receiving party by communication with the WAP server (to establish an electrical communication connection). The examiner concludes that it is obvious to combine the teachings of Karves with Tuomela to arrive at the claimed invention based on a motivation to provide accurate information to the user of the wireless terminal.

This conclusion of the examiner is traversed respectfully for the following reason. The foregoing teaching of Karves shows that the technology exists for the construction of an electronic communication system in which a user of a communications terminal can select a person to be called without knowing his phone number, and wherein the system will conduct a search of a suitable data base to find the phone number, and thereby allow the telephone communication connection to be set up. Incidentally, it is observed that, in the early days of telephony before the advent of a dial by which one could dial the phone number, one would ring the operator and tell the operator to whom to direct the call. The operator would look up the number on a listing of phone numbers, and put the call through. Karves has automated that job of the operator.

The examiner stated (as noted above) that the motivation for combining the references is to provide accurate information to the user of the wireless terminal. In the practice of the claimed invention, the calling party may well know the phone number of the called party (and therefore does not need this accurate phone data), but is concerned about the disposition of the called party (asleep, at a meeting). It is urged that an attempted combination of the Karves use of a wireless network database of phone numbers would not suggest the benefit, as taught in the present specification, of sharing a server with activity logs among a group of parties for notifying the parties about the disposition of a party to be called before making a telephone call.

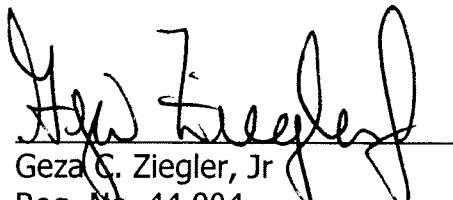
It is believed that the foregoing argument overcomes the grounds of rejection based on Tuomela and Karves considered together and in combination with Silverman, so as to

provide allowable subject matter in the claims. It is noted that Silverman is employed to show only one feature, and does not alter the foregoing argument advanced against the primary references Tuomela with Karves.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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Date

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